

***United States Court of Appeals
for the Second Circuit***



APPENDIX

75-7156

B



APPENDIX

U. S. District Court Index Number Civ-440

Appendix

MILDRED WIACKLEY

Vs.

Nelson Rockefeller,

Abby Rockefeller, Lawrence, David

and John Rockefeller, Mary Todhunter

Clark, Anne Schuyler Cox, Howard Cox,

Edward Finch Cox, Federal Government

of the U. S.

51

DIST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	S	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
208-1	75 0440	01 29 75	3	440	1					0855		75 0440

PLAINTIFFS

DEFENDANTS

Knapp, J.

WICKLEY, MILDRED, Pro Se

ROCKWELLER, NELSON, etc. at.
at.

See complete parties listing
on additional page

CAUSE

42 U.S.C. Section 1983 - Violation of Civil Rights.

rg

ATTORNEYS

Mildred Wiackley, Pro Se
P.O. Box 82
Peter Stuyvesant Station
New York, N.Y. 10009

75-0440 Judge Knapp Mildred Wiackley, Pro se -vs- Nelson Rockefeller, etc. et. al

DATE	JR	PROCEEDINGS
01-29-75		Filed complaint and issued summons.
02-04-75		Filed Order that the complaint is accordingly dismissed. So ordered. Knapp, J.
02-19-75		Filed summons and entered marshal's return, served: U.S. Atty. Paul Curran by same 2/6/75.
02-28-75		Filed Notice of appeal by pliff. to the USCA from order dismissing complaint on 1-31-75. Mailed copy to Milbank Tweed, Hadley & McCloy.
03-05-75		Filed notice that original record on appeal has been certified & transmitted to the USCA on this 3-5-75
03-25-75		Filed Stip Order extending deft time to appear, etc. on 4/21/75. Gagliardi, J. (In Error)
02-24-75		Filed deft's notice of entry of order dated 2-4-75.
03-21-75		Filed summons with marshals return: Served David Rockefeller by L.A. Wolf on 3-11-75 Edward Cox (Unable to serve) Howard Cox (Unable to serve) Anne Cox (Unable to serve) Nelson Rockefeller by Mr. R. Newgebauer on 2-4-75 Abby Rockefeller " " " " on 2-4-75 Lawrence Rockefeller " " " " on 2-4-75 David Rockefeller " " " " on 2-4-75 John Rockefeller, III " " " " on 2-4-75 Mary T. Clark " " " " on 2-4-75 Anne Schuyler Cox (Unable to serve.) Howard Cox (" " ") Edward F. Cox (" " ")

Note Anne Schuyler Cox } Summons left with telephonist
Howard Cox } at 12 E. 41 St. N.Y.C.
Edward F Cox } Office of Howard E. Cox
Served by U.S. Marshal
4-1-75. M. W.

75-0440
D. C. Form No. 100
CRIMINAL DOCKET

ADDITIONAL PAGE

75-0440

Judge Knapp

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
vs.	

-3-

United States Courthouse; New York County

75 CIV. 440
JUDGE KNAPP

In the Matter of the Complaint of Mildred Wiackley.

Petitioner,

For a Judgement pursuant to 42 U.S.C. Section 1983

-against-

Former Governor Nelson Rockefeller and Abby, Lawrence, John,
David Rockefeller and former wife Mary Toddhunter Clark and
Anne Schuyler Cox and Howard Cox and his son Edward Finc
Cox and the Federal Government of the United States.

Respondents

-----X
TO THE JUSTICES OF THE U, S. COURTHOUSE OF THE STATE OF

FILED
U.S. DISTRICT COURT
JUN 29 3 27 PM '75
S.D.O.F.N.Y.

DATE

PROCEEDINGS

[illegible]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:
MILDRED WIACKLEY,
:
Plaintiff,
:
-against-
:
NOTICE OF MOTION
:
NELSON ROCKEFELLER,
:
ABBY ROCKEFELLER, LAWRENCE, DAVID,
:
AND JOHN ROCKEFELLER, MARY TOD HUNTER
:
CLARK, ANNE SCHUYLER COX, HOWARD COX,
:
EDWARD FINCH COX, FEDERAL GOVERNMENT
:
OF THE U.S.,
:
Defendants.
:
----- x

S I R S :

PLEASE TAKE NOTICE that upon the complaint, the undersigned will move this Court before the Honorable Whitman Knapp in Room 618, United States Courthouse, Foley Square, New York, N.Y. at 2 P.M. on February 28, 1975, or as soon thereafter as counsel can be heard for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing plaintiff's complaint for failure to state a claim upon which relief can be granted and for such other and further relief as the Court deems appropriate.

Dated: February 13, 1975
New York, N.Y.

MILBANK, TWEED, HADLEY & McCLOY

By _____
(A Member of the Firm)
One Chase Manhattan Plaza
New York, N.Y. 10005
Attorneys for Defendants
Nelson Rockefeller
Abby Rockefeller Mauze
Laurence Rockefeller
David Rockefeller
John D. Rockefeller 3rd

TO:
MILDRED WAICKLEY
P.O. Box 82
Peter Stuyvesant Station
New York, N.Y. 10009

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILDRED WIACKLEY,

Plaintiff,

-against-

NELSON ROCKEFELLER,
ABBY ROCKEFELLER, LAWRENCE,
DAVID, AND JOHN ROCKEFELLER,
MARY TOD HUNTER CLARK, ANNE
SCHUYLER COX, HOWARD COX,
EDWARD FINCH COX, FEDERAL
GOVERNMENT OF THE U.S.,

Defendants.

NOTICE OF MOTION

MILBANK, TWEED, HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005
212-422-2660

ATTORNEYS FOR Defendants

NELSON ROCKEFELLER
ABBY ROCKEFELLER MAUZE
LAURENCE ROCKEFELLER
DAVID ROCKEFELLER
JOHN D. ROCKEFELLER

3rd

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

MILDRED WIACKLEY, :

Plaintiff, :

-against- :

NELSON ROCKEFELLER, :
ABBY ROCKEFELLER, LAWRENCE, DAVID, :
AND JOHN ROCKEFELLER, MARY TOD HUNTER :
CLARK, ANNE SCHUYLER COX, HOWARD COX, :
EDWARD FINCH COX, FEDERAL GOVERNMENT :
OF THE U.S., :

Defendants. :

----- X

MEMORANDUM IN SUPPORT OF MOTION TO
DISMISS PURSUANT TO RULE 12(b)(6)

MILBANK, TWEED, HADLEY & McCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

212-422-2660

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

MILDRED WIACKLEY,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	75 Civ. 440 (WK)
	:	
NELSON ROCKEFELLER,	:	
ABBY ROCKEFELLER, LAWRENCE, DAVID,	:	
AND JOHN ROCKEFELLER, MARY TOD HUNTER	:	
CLARK, ANNE SCHUYLER COX, HOWARD COX,	:	
EDWARD FINCH COX, FEDERAL GOVERNMENT	:	
OF THE U.S.,	:	
	:	
Defendants.	:	
	:	

----- x

MEMORANDUM IN SUPPORT OF MOTION TO
DISMISS PURSUANT TO RULE 12(b)(6)

This memorandum is submitted in support of the motion of defendants Nelson Rockefeller, Abby Rockefeller Mauze (sued herein as "Abby Rockefeller"), Laurence Rockefeller, David Rockefeller, and John D. Rockefeller 3rd to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

The only hint as to the nature or basis of plaintiff's purported claim is contained in the caption of the complaint

CONCLUSION

The complaint should be dismissed, with costs.

Dated: New York, N.Y.
February 13, 1975

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY

By *Andrew J. Lerner*

(A Member of the Firm)

1 Chase Manhattan Plaza

New York, New York 10005

Attorneys for Defendants

Nelson Rockefeller

Abby Rockefeller Mauze

Laurence Rockefeller

David Rockefeller

John D. Rockefeller 3rd

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MILDRED WICKLEY,

Plaintiff,

-against-

NELSON ROCKEFELLER,
ABBY ROCKEFELLER, LAWRENCE, DAVID,
AND JOHN ROCKEFELLER, MARY TCDHUNTER
CLARK, ANN SCHUYLER COX, HOWARD COX,
EDWARD FINCH COX, FEDERAL GOVERNMENT
OF THE U.S.,

Defendants.
----- X

MEMORANDUM IN SUPPORT
OF NOT DISMISSING
COMPLAINT

MILDRED WICKLEY
P. O. BOX 82
PETER STUYVESANT STATION
NEW YORK, N.Y. 10009

loan which he did not have to pay back.

Thirdly, what about my education? If you are responsible for running over a woman's maiden head, would you not run over her head in the sense of head of a household, the thing everybody has a right to be, it's gotten so badX we have to take it out on the national economy to hide the fact that every time Mildred Wiackley pursues a career, somebody gets killed that can either be connected with a member of the family of career associate as in the case of Louis Chaznakoff whose daughter was conveniently dead from a car mishap after someone carved the glass from his car front window in the form of a Bull, Turnbull is the name of the notary public that signed my cemetery deed. Another incident in pursuing a career is that I began a part time position at T.M.S. on Queens Blvd Queens, N.Y. and in that building was a Kelly Detective Agency and conveniently Police Officer Kelly's body was found cut up in several places, found at separate locations. As a matter of fact when at the age of fifteen I had been lured to the house of Margot de Silva it was under her pretending that she was editor of Readers Digest and she used an alias the name Bell. To my amazement, even though I informed U.S. Attorney Paul Curran and N.Y. Attorney General Louis Lefkowitz, not one of these individuals attempted in any way to arrange for an F. B. I. Officer to assist me in locating this Clyde who Margot de Silva knew well and have him arrested. Getting back to my education, if a person spends twenty five months of study to obtain a High School Diploma through correspondence and the diploma is granted, however seven years later the school has no record of her attendance is there not something wrong? Dismissing a case will not solve the aggravement and even in the book on names the author acknowledges in the State of Illinois (the same state I got my high school diploma through correspondence) a Clyde Clason. Clason is the name of a Brooklyn location, predominately always black. Clyde is the first name of the fellow who raped me, who at the time was said to have lived in New Jersey.

And also the matter of Danielle Hunter? The name of which Defendants' Attorney attempted to say Rockefeller's (Nelson) first wife's maiden name was which is not so it's Todhunter Clark, not Ted

and then Hunter, in this matter I would say Attorney(s) for Defendants was flippant. But what about the matter of Danielle Hunter? And the matter of a job application from Arlington Virginia noted for its cemetery? How many different gov't jobs are obtained or rather job applications were obtained in 1974 by writing to an Arlington Virginia noted for its cemetery? I want to feel clear in my mind that there was no premeditation, not to mention the Mu Tea drink the assailant's last name spelled unjumbled. And what about The New Yorker magazine December 16, 1974 and the illustrator Saxon, the saxon word for Hunter can be Eleischer.

Then too when Nelson Rockefeller got the Vice Presidential job I was suddenly cheated of credits at a college I was attending and informed they were taken on nonmatric status which was totally untrue. They won a dismissal but there was perjury in the index numbers of the grades I received that they submitted. So having gone from class 7-8 to an Article 78 Proceeding during Nelson Rockefeller's administration is not amusing. What is worse is that decency isn't even considered important today in the sense that we will ~~emphatically~~ play up a Dillon, Bonnie & Clyde, Baby Face Nelson to emphasize the glamour of indecency. If at the end of Hitler's life if all he got was a self inflicted bullet in the head, he got off very easy.

The purpose of bringing this matter to court was to expose criminal activity and to ask for remedy. I am not convinced that this country is not in a state of decadence, nor for that matter bombing of public property, government or otherwise not the first signs of anarchism and possibly revolution. But I am not convinced that nothing can be done about it. In the statements that I made pertaining to books, they can be verified and when I mentioned grades I had been in, they too can be verified and Breux France and the painter de Silva and my grandmother's maiden name Elfant a symbolic name pertaining to woods can be verified and a smear in itself.

I am convinced that my life can never be a normal one as long as I cannot make a living, and as long as I am robbed of my investments and robbed of my education besides having been robbed of a maiden head by an act of rape. At the present time my physical health is not as good as it should be. I've had a sore on my right foot for almost half a year which has not healed and upon showing it to a woman I know who teaches nursing in college said it wasn't melanoma which I thought it was, but that the reason why the sore may not have healed might be poor blood circulation due to low blood temperature which can cause Arterial Sclerosis and she asked me if there was any diabetes in my family and I admitted there was on both sides. I have never had a problem of a sore healing in my entire life, but due to the turmoil I have undergone, my health, physically and emotionally has deteriorated.

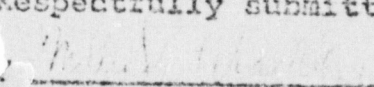
I can only say that if I person changes their name to someone else's name in the example of some individual liking my sense of ethics enough to change their name to mine, fine, I think that's great, but if that individual uses that legal right and then abuses that right by then victimizing the family of the name that person changed their name to then something is very wrong and that the aggrieved party has a right to go to court. The world will never be just one color, or one religion in the same way that no two people have the same fingerprints and so Judge Whiteman Knapp I ask you to allow me to be compensated by the people who have victimized me and to inflict upon them any legal punishment that exists for their crimes.

CONCLUSION

The complaint should not be dismissed.

Dated: New York, N.Y.
February 21, 1975

Respectfully submitted,


Mildred Blackley
P.O. Box 92
Peter Stuyvesant Station
New York, N.Y. 10009

NOTICE OF ENTRY

Sir:—Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

19

Dated,

Yours, etc.,

Attorney for
Office and Post Office Address

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

the day of 19
at M.

Dated,

Yours, etc.,

Attorney for
Office and Post Office Address

Index No. 75 C.V. 470

Year 19 75

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mildred Wieckley

Plaintiff

— against —

Nelson Rockefeller

Abby Rockefeller, Laurence David

Rockefeller, Mrs. Ted Turner

Clark, Anna Schuyler Cox, Howard Cox,
Edward Fitch Cox, Federal Government
of the U. S.

MEMORANDUM IN SUPPORT
OF MOT DISMISSING
COMPLAINT

P. 3. Mildred Wieckley

Attorney for

Office and Post Office Address, Telephone

P.O. B. 82

Yaler Shipment Station

New York, N.Y. 10009

To

Attorney(s) for

Service of a copy of the within

Dated,

is hereby admitted.

Attorney(s) for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:
MILDRED WIACKLEY, :
:
Plaintiff, :
:
-against- :
:
NELSON ROCKEFELLER, :
ABBY ROCKEFELLER, LAWRENCE, DAVID, :
AND JOHN ROCKEFELLER, MARY TOD HUNTER :
CLARK, ANNE SCHUYLER COX, HOWARD COX, :
EDWARD FINCH COX, FEDERAL GOVERNMENT :
OF THE U.S., :
:
Defendants. :
----- x

NOTICE OF ENTRY
75 Civ. 440 (WK)

S I R S :

PLEASE TAKE NOTICE that an order, of which the
attached is a true copy, was entered herein on February 4, 1975.

Dated: New York, N.Y.
February 20, 1975

Yours, etc.

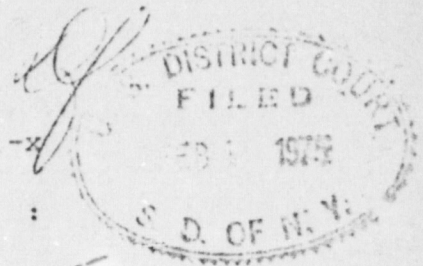
MILBANK, TWEED, HADLEY & McCLOY
1 Chase Manhattan Plaza
New York, N.Y. 10005
Attorneys for Defendants
Nelson Rockefeller
Abby Rockefeller Mauze
Laurence Rockefeller
David Rockefeller
John D. Rockefeller 3rd

TO:

MILDRED WIACKLEY
P.O. Box 82
Peter Stuyvesant Station
New York, N.Y. 10009

(91)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



MILDRED WIACKLEY,

Plaintiff,

- against -

FORMER GOVERNOR NELSON ROCKEFELLER,
et al.,

Defendants.

ORDER

75 Civ. 440

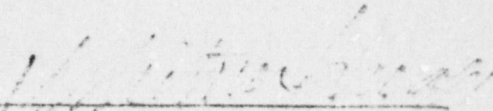
The complaint in this action was filed on
January 29, 1975 together with an Order to Show Cause
seeking the immediate hearing on a motion.

After careful reading and analysis of the
complaint I conclude that - interpreted with every liber-
ality - it does not set forth facts upon which relief in
this Court can be granted. The complaint is accordingly
dismissed.

SO ORDERED.

Dated: New York, New York

January 31, 1975.


WHITMAN KNAPP, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILDRED WIACKLEY,

Plaintiff,

-against-

NELSON ROCKEFELLER, ABBY
ROCKEFELLER, LAWRENCE, DAVID,
AND JOHN ROCKEFELLER, MARY
TOD HUNTER CLARK, ANNE
SCHUYLER COX, HOWARD COX,
EDWARD FINCH COX, FEDERAL
GOVERNMENT OF THE U.S.,

Defendants.

NOTICE OF ENTRY

MILBANK, TWEED, HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005
212-422-2680

ATTORNEYS FOR Defendants

Nelson Rockefeller

Abby Rockefeller

Mauze

Laurence Rockefeller

David Rockefeller

John D. Rockefeller



NOTICE OF ENTRY

Sir:—Please take notice that the within is a (certified)
true copy of a
duly entered in the office of the clerk of the within
named court on 19

Dated,

Yours, etc.,

Attorney for

Office and Post Office Address

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented
for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.,

Attorney for

Office and Post Office Address

To

Attorney(s) for

Index No. 7156

Year 19 75

United States Court of Appeals
Foley Square, N.Y. N.Y.

Mildred Wiackley,
Plaintiff

—against—

Nelson Rockefeller,
Abby Rockefeller, Lawrence, David,
and John Rockefeller, Mary Todhunter
Clark, Anne Schuyler Cox, Howard Cox,
Edward Finch Cox, Federal Government
of the U.S.

APPENDIX

Lower court C.V. 440/75

Pro Se Mildred Wiackley
Attorney for

Office and Post Office Address, Telephone

P.O.B. 82
Peter Stuyvesant Station
New York, N.Y. 10009

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for